(1) (3)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILSPUR [C.G.]

Criminal Revision No. 114 /2006

PETITIONER : **Kailash Bihari Kaushik (Jaiswal)**
NON-APPLICANT S/o Bidurlal Jaiswal Aged-about 35 years, R/o- Village-Tarda, Tahsil- Korba, Distt.- Korba [C.G.]

VERSUS

RESPONDENTS : 1. Smt. Bhagwati Jaiswal W/o Kailash Bihari Kaushik (Jaiswal) Aged- about 30 years
APPLICANTS
2. Vijay Laxmi D/o Kailash Bihari Jaiswal Aged- about 12 years (Minor) Through- her mother Bhagwati Jaiswal
3. Jawahar S/o Kailash Bihari Jaiswal Aged- about 5 years (minor) Through- her mother Bhagwati Jaiswal
All are the R/o M.P.E.B. Colony, Korba, Distt.- Korba [C.G.]

8/9/06
17/2/06
Filed on ..... Saxena ..... Advocate
by Shri .....
17/2/06
R. and D. R. (J)

CRIMINAL REVISION UNDER SECTION 397 AND 401 OF THE CODE OF CRIMINAL PROCEDURE READ WITH SECTION 19(4) OF THE FAMILY COURTS ACT,1946

(45)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr. Rev. No. 114/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.07.2006

Shri Sanjay Patel, counsel for the applicant.

Shri H.B. Agarwal, senior counsel with Shri Pankaj Agarwal, counsel for the non-applicants.

Learned counsel for the applicant submitted that he does not press M.Cr.P. No. 354/2006 for stay and prayed that this criminal revision be heard and finally disposed of, at the stage of admission today.

Not opposed.

As prayed, M.Cr.P.No.354/2006 is dismissed as not pressed.

This criminal revision is heard finally today at the stage of admission.

Learned counsel for the applicant submitted at the very outset that he would press this revision only on the ground that the quantum of maintenance awarded by the Family Court, Distt. Korba in M.J.C. No. 207/2005 vide order dated 23.1.2006 is excessive and deserves to be reduced.

On the other hand, learned senior counsel appearing for the non-applicant argued in support of the impugned order while submitting that he has no objection if the maintenance awarded to the daughter non-applicant No. 2 Vijay Laxmi is made at par with the maintenance awarded to the son non-applicant No. 3 Jawahar.

Having heard the rival submissions, I have perused the record. The applicant earns a net monthly salary of Rs. 9,134/- besides being in possession of agricultural lands in village Tarda from which income is derived. The Family Court has awarded maintenance of Rs. 1,500/- to the wife non-applicant No. 1, Rs. 1,000/- to the daughter non-

21/2/14

(46)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.Rev.No.114/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

applicant No. 2, and a sum of Rs.750/- to the minor son non-applicant No. 3. So far as the maintenance awarded to the non-applicant no. 1 wife and the non-applicant No. 3 son is concerned, it is adequate and bare minimum required for survival and does not call for any interference. However, so far as the maintenance of Rs.1,000/- awarded to the daughter non-applicant No. 2, it appears just and proper to equate it with the maintenance granted to the son non-applicant No. 3. No other illegality or infirmity is seen or pointed out in the impugned order.

This revision is partly allowed. The maintenance awarded by the Family Court, Distt. Korba to the wife non-applicant No.1 Smt. Bhagwati Jaiswal and to the son non-applicant No. 3 Jawahar is maintained. However, the maintenance awarded to the daughter non-applicant No.2 Vijaya Laxmi is reduced to Rs. 750/- per month.

Sd-
Dilip Raosaheb Deshmukh
Judge